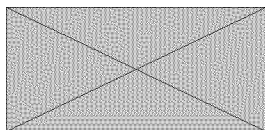


**To:** VonVacano, Marcela[VonVacano.Marcela@epa.gov]  
**From:** Environmental Law360  
**Sent:** Tue 11/15/2016 8:53:11 AM  
**Subject:** Climate Claims No Slam Dunk For Oil Co. Investors



## ENVIRONMENTAL

Tuesday, November 15, 2016

### TOP NEWS

#### Analysis

#### Climate Claims No Slam Dunk For Oil Co. Investors

A proposed class action accusing Exxon Mobil Corp. of concealing its knowledge of climate change from shareholders could spark similar suits against other fossil fuel producers, but proving companies knew that looming climate rules would render their assets economically unviable will be a tall task for investors, experts say.

#### NY AG Presses For Exxon Climate Subpoena Response

New York's attorney general asked a state court Monday to compel Exxon Mobil Corp. to turn over by next week documents relating to a fraud investigation into the company's statements to investors regarding climate change's impacts on its business, arguing the company has been noncooperative.

#### Oil Giants Must Face La. Parish's Coastal Damage Suit

A Louisiana state judge has reversed himself and revived a parish's suit against Exxon Mobil Corp., Chevron USA Holdings Inc. and seven other oil and gas companies over the loss of coastal wetlands allegedly from decades of oil and gas exploration activities, finding no good administrative remedy is available through the Louisiana Department of Natural Resources.

#### Army Corps Hits Pause On Dakota Pipeline For Tribal Talks

The U.S. Army Corps of Engineers won't let construction on the Dakota Access pipeline go forward on or under its land until it conducts further talks with the Standing Rock Sioux Tribe about protecting its water supply, according to a statement Monday.

### POLICY & REGULATION

#### Sarkozy Wants Carbon Tax If Trump Backs Out Of Paris Pact

French presidential candidate Nicolas Sarkozy said on Sunday that if President-elect Donald J. Trump follows through on threats to pull out of the landmark Paris climate change

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agreement, Europe should impose a carbon tax on U.S. imports.

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### **NJ Lawmakers Oppose Hazardous Waste Facility In Pa.**

Abraham  
Fruchter

New Jersey lawmakers on Monday advanced a resolution opposing a hazardous waste incinerator proposed for a Pennsylvania property across the Delaware River from several Garden State towns, citing the high probability of pollution and its potential impact on air and water quality.

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### **GAO Denies Protest To Navy Enviro Remediation Contract**

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The U.S. Government Accountability Office struck down a company's protest of a U.S. Navy contract awarded to a competitor involving environmental remediation services at federal government posts in Hawaii and Guam, finding that the Navy didn't place too much weight on the rival bidder's prior experience in the regions.

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## **ENFORCEMENT**

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### **FTC Says VW Must Provide More Info On Missing Docs**

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The Federal Trade Commission urged the California federal judge overseeing the Volkswagen diesel emissions scandal multidistrict litigation to give the agency more time to depose a witness designated to answer questions on the alleged destruction of documents, saying the previous designee proved to be unhelpful.

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## **LITIGATION**

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### **District Seeks To Halt LA Plans For Subway Under High School**

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A California school district has filed a lawsuit against the Los Angeles County Metropolitan Transportation Authority over its plan to construct part of the Los Angeles subway expansion beneath a Beverly Hills high school, saying an additional environmental assessment needs to come first.

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### **Calif. City Loses Attempt To Take Over Water Utility Assets**

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A California state judge has tentatively favored Golden State Water Co. in a city's bid to acquire the water system that serves the city, saying it is in the public's best interest for the system to stay a private utility.

Clifford  
Chance

### **Enviros Challenge Feds' Approval Of Offshore Fracking**

Cooley

Two environmental groups have sued the government in California federal court over a decision that ended a moratorium on approvals for fracking and acidizing from offshore oil platforms in southern California, seeking to compel government agencies to prepare an environmental impact assessment under the National Environmental Policy Act.

DLA  
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Dentons

### **DOI Didn't Have Power To Cancel Mont. Oil Lease, Judge Told**

Earthjus

Solenex LLC urged a D.C. federal judge Thursday to grant it a quick win in its suit to restore the company's oil and gas lease on lands considered sacred by the Blackfeet Nation, claiming the U.S. Department of the Interior exceeded its authority to cancel the lease after keeping it suspended for three decades.

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### **NY Court Confirms Nationwide's Pollution Reinsurance Win**

[Adams  
and  
Reese](#)

A New York federal judge confirmed an arbitral award freeing Nationwide from covering part of Yosemite Insurance Co.'s \$7.5 million payment toward California's cleanup costs at a hazardous waste site, finding Monday that the arbitrators reasonably construed the terms of the parties' reinsurance contract.

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### **Chrysler, Engine Maker Accused Of Emissions Cheating**

[Arnold  
&  
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The U.S. unit of Fiat Chrysler Automobiles NV and engine maker Cummins Inc. were hit with a proposed racketeering class action Monday for allegedly outfitting Dodge Ram trucks with diesel engines that hid the trucks' emissions of illegally high levels of pollutants.

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### **Ariz. Highway Foes Slam 'No Harm' Argument At 9th Circ.**

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Donelso](#)

Environmental and community groups called "disingenuous" on Monday any suggestion that no irreparable harm would occur if the Ninth Circuit did not halt work on a Phoenix-area highway project while they appeal a ruling that held federal and state agencies didn't take shortcuts on environmental reviews when approving the project.

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### **Peru Won't Get Costs Despite Win In Renco Arbitration**

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A World Bank tribunal that recently rejected the Renco Group Inc.'s claim against Peru stemming from environmental issues at a metal mining and processing operation has shot down Peru's bid for \$8.4 million in costs, taking note of Peru's delay in raising the argument that ultimately cost Renco the arbitration.

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PEOPLE

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### **Former FERC Commissioner Joins Wilkinson Barker Knauer**

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& Parke](#)

Wilkinson Barker Knauer LLP announced on Monday that it has tapped a recent Federal Energy Regulatory Commission commissioner to join its ranks as a senior adviser, after the former commissioner spent more than 15 years as a federal and state regulator.

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EXPERT ANALYSIS

[Cooley](#)

### **What To Expect From The New Senate**

[DLA  
Piper](#)

A word of caution to our fellow Republicans — one lesson learned from President Obama's first two years in office is that pushing through partisan legislation could come back to haunt a party and a presidency, say former Sen. Kay Bailey Hutchison, R-Texas, and Curt Beaulieu of Bracewell LLP.

[Dentons](#)  
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## **Enviro Citizen Science: Promises, Perils And Protections**

The environmental field is one of the more popular and rich areas in which citizen science has taken root. Attorneys at Arnold & Porter LLP describe the landscape and current frameworks surrounding citizen science, discuss its potential, identify possible risks, and suggest concretely what prudent, interested parties might do about this brave new world, both proactively and after-the-fact.

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## **Man Vs. Machine: Or, Lawyers Vs. Legal Technology**

Some have claimed that emerging legal technologies and increasingly cost-conscious clients will mean the extinction of the legal profession as we know it. However, innovations in legal technology may actually benefit attorneys, allowing them to spend their time doing more meaningful work, say Abdi Shayesteh and Elnaz Zarrini of AltaClaro.

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## **OPINION: Goodness First, Then Greatness**

For many, the United States missed an opportunity after 9/11 to emphasize similarities rather than differences, to seek healing rather than punishment, to build understanding between cultures. Is Trump's election another such opportunity? asks Kevin Curnin, president-elect of the Association of Pro Bono Counsel.

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## **Merging Law Firms: Beware Conflicts Of Interest**

Among the many ethical issues that can arise, conflicts of interest from current or past representation of each firm's clients should be at the forefront of merger discussions. Recently, we have seen such conflicts disqualify firms in the middle of high-cost litigation, say Allison Martin Rhodes of Holland & Knight LLP and Robert Hillman of the University of California, Davis.

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## **LEGAL INDUSTRY**

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## **Chadbourn Says Attys In Bias Suit Not Employees**

A pair of lawyers with a \$100 million proposed class action accusing Chadbourne & Parke LLP of discriminating against them and other female partners are or were Chadbourne shareholders and have no right to sue their own business under employment discrimination laws, the firm said on Monday.

[Carlton  
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[Chadbo  
& Parke](#)

## **Carlton Fields Attorney Dies In Scuba Diving Accident**

A Carlton Fields attorney who worked in the firm's Tampa, Florida, office died Sunday from injuries believed to be related to a scuba diving incident over the weekend in the Gulf of Mexico, according to the Pinellas County Sheriff's Office.

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## **4 Ways Firms Can Be More Tech-Forward**

Law firms looking to take advantage of the most advanced technology for ease of workflow and productivity may not have to look very far, given the proliferation of new products and software on the market, but industry experts say firms need to foster an environment that

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allows for innovation.

## **How To Know When It's Time To Go In-House**

If you've ever toyed with the idea of taking a law department gig, you've probably also wondered whether it will serve your career better to flee BigLaw the first chance you get or wait it out. Here are some milestones that can tell you when the time is right to make the in-house jump.

## **Rainmaker Q&A: Latham & Watkins' Mark Gerstein**

One skill most important for becoming a rainmaker is the confidence that allows you to go into any pitch with the expectation that you will win it, and treating those you lose not as a personal loss, but simply part of the business, says Mark Gerstein, a global chairman of Latham & Watkins' mergers and acquisitions practice.

## **Rainmaker Q&A: Nossaman's Yuliya Oryol**

While practicing law in South Korea I continued to work full-time while pregnant with both of my daughters. It was challenging to pitch work as a non-Korean speaking, Russian-American woman, working in a mostly male Asian business culture. In fact, I was regularly the only woman in the room, says Yuliya Oryol, co-chairwoman of the public pensions and investments practice group at Nossaman LLP.

### **JOBS**

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Plews Shadley Racher & Braun LLP  
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#### **Energy Associate Attorney - Mid to Sr-Level - San Francisco**

Davis Wright Tremaine LLP  
San Francisco, California

Edelson  
PC

Hagens  
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Haynes  
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Larson  
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Latham  
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Watkins

Lieff  
Cabraser

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Seeger  
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Squire  
Patton  
Boggs

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Rives

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Inc.

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Centre  
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Settlem  
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Investm  
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Koch  
Industrie  
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Libbey  
Inc.

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Hilliard Munoz  
Holland & Knight  
Kasowitz Benson  
Kaye Scholer  
Kendall Law Group  
King & Spalding  
Kirkland & Ellis  
Larson King  
Latham & Watkins  
Lieff Cabraser  
Littler Mendelson  
Manatt Phelps  
Martin Clearwater  
Morrison & Foerster

Native American Rights Fund

Osborn Maledon

Proskauer Rose

Robbins Geller

Sanford Heisler

Seeger Weiss

Sive Paget

Skadden

Squire Patton Boggs

Sullivan & Cromwell

Talbot Carmouche

The Miller Law Firm PC

White & Case

Wilkinson Barker

Wilson Elser

Wilson Sonsini

COMPANIES

Exxon Mobil Corporation

Audi AG

PricewaterhouseCoopers

Sierra Club

Volkswagen

A. O. Smith Corporation

Aliph Inc.

Altman Weil Inc.

American Bar Association

BP p.l.c.

Center for Biological Diversity Inc.

Chevron Corporation

Chipotle Mexican Grill, Inc.

Cummins Inc.

Delaware Riverkeeper Network

Delphi Automotive PLC

Energy Transfer Partners, L.P.

FCA US LLC

Fiat Chrysler Automobiles NV

Friedman LLP

Google Inc.

Hasbro, Inc.

IDEX Corporation

International Business Machines Corporation

International Centre for Settlement of Investment Disputes

Jockey International Inc.

Koch Industries Inc.

Libbey Inc.

Microsoft Corporation

Nationwide Mutual Insurance Co.

Natural Resources Defense Council

Orbitz Worldwide Inc.

Planned Parenthood Federation

QEP Resources Inc.

Range Resources Corporation

Royal Dutch Shell PLC



Simon Property Group, Inc.

Skype Technologies SA

Tenneco Inc.

The Renco Group

Toro Company

Yahoo! Inc.

#### GOVERNMENT AGENCIES

U.S. Department of Justice

U.S. Environmental Protection Agency

U.S. Department of the Interior

U.S. Supreme Court

Arizona Department of Transportation

Army Corps of Engineers

Blackfeet Nation

Bureau of Ocean Energy Management

Bureau of Safety and Environmental Enforcement

California Environmental Protection Agency

Executive Office of the President

Federal Energy Regulatory Commission

Federal Highway Administration

Federal Trade Commission

Federal Transit Administration

Gila River Indian Community

Government Accountability Office

Los Angeles County Metropolitan Transportation Authority

Pennsylvania Department of Environmental Protection

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Indianapolis, Indiana

### **Energy Associate Attorney - Mid to Sr-Level - San Francisco**

Davis Wright Tremaine LLP

San Francisco, California

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